

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

OCTOBER 6, 2009

The following is a summary of the October 6, 2009 Meeting:

- I. Meeting called to order at 9:00 AM by Frank Linkous, Chairman. Members present were Gerald Kendrick, Joseph Buchanan, Arvil McConnell, Jr. and Ricky O'Quinn. Also present were Butch Lambert, Department of Mines, Minerals and Energy (DMME) Deputy Director, Mary Gibson, Regulatory Boards Administrator and Sharon Pigeon, Senior Assistant Attorney General.**
- II. Opening statement delivered by Frank Linkous, Chairman.**
- III. Motions made and seconded to accept October 6, 2009, meeting agenda and approve September 1, 2009, meeting summary. All members were in favor to approve.**
- IV. Review of Virginia Substance Abuse Cases (Closed Session)**

Of the cases that resulted in hearings, evidence was taken by the Board in closed session, pursuant to Virginia Code §§ 2.2-3711(A)(4) and 45.1-11.35(E). In the closed session, the Board worked out agreements, allowing individuals to return to work conditionally, and took other disciplinary actions including revocation of all certifications held by miners.

V. Open Agenda

The Board discussed questions that arose regarding clarification of figures on the substance abuse summary spreadsheet. The Board agreed that some minor tweaking could be made for clarification to eliminate explanations to FOIA requesters or others who may not routinely be exposed to these type stats and information.

Butch Lambert reported that the DMME has received an additional grant from MSHA in the amount of \$54,000 to be used to conduct brigade type fire-fighting training for the miner work force.

Frank Linkous reported on a recent meeting he attended that was conducted by Ms. Sarah E.B. Stanton of a General Assembly legislative subcommittee headed by Senator Hanger. This group's purpose is to better coordinate efforts in addressing the societal impacts of substance abuse in our region. Ms. Stanton expressed her appreciation of the efforts and good results from the work of the DMME and the Board of Coal Mining Examiners in addressing substance abuse in mining through collaboration with

Community Service Boards. DMME may be invited to participate in a meeting of this group in Richmond later this month.

Chairman Linkous also reported to the Board that the recommendations of the BCME and the Virginia Coal Mine Safety Board to amend the Mine Safety Act to require random substance abuse screening for miners was not included in the DMME proposed legislative package for the 2010 General Assembly session.

Sharon Pigeon urged the Department to pursue solicitation of funds received by the Attorney General's office from a September, 2009, settlement reached with Pfizer and the U.S.D.A in the amount of \$2.3 billion for illegally marketing and promoting four prescription drugs. Mary Gibson will make the first contact with the Attorney General's office.

VI. Next Meeting

Next meeting will be November 3, 2009.

VII. Adjournment

Meeting adjourned at 12:30 PM.